

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C.20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 11 August 2000 (11.08.00)	
International application No. PCT/GB99/04445	Applicant's or agent's file reference N75768A GCW
International filing date (day/month/year) 30 December 1999 (30.12.99)	Priority date (day/month/year) 31 December 1998 (31.12.98)
Applicant BJÖRCK, Lars et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

19 July 2000 (19.07.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Pascal Piriou Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference N75768A GCW	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 99/ 04445	International filing date (day/month/year) 30/12/1999	(Earliest) Priority Date (day/month/year) 31/12/1998
Applicant ACTINOVA LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

STREPTOCOCCAL ABC TRANSPORTER PROTEIN

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1
☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

GB 99/ 04445

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claim 10
is directed to a method of treatment of the human/animal
body, the search has been carried out and based on the alleged
effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such
an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all
searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment
of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report
covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is
restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International Application No

PC 99/04445

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/31 C07K14/315 A61K39/09 C12N15/63 C07K16/12

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C07K A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 854 416 A (SAMPSON ET AL.) 29 December 1998 (1998-12-29) column 2, line 65 - column 3, line 19 column 8, line 1 - line 20 column 11, line 52 - column 12, line 35 column 13, line 16 - column 14, line 5 column 16, line 41 - line 50 --- -/--	1-12

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

11 April 2000

Date of mailing of the international search report

25/04/2000

Name and mailing address of the ISA

 European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Montero Lopez, B

INTERNATIONAL SEARCH REPORT

International Application No

PC 99/04445

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>EMBL Database Entry SSSSAB Accession number M63481; 22 March 1991 XP002135330 the whole document & GENESHKUMAR N. ET AL.: "Nucleotide sequence of a gene coding for saliva binding protein (SssaB) from Streptococcus sanguis 12 and its possible role in coaggregation with actinomyces" INFECTION AND IMMUNITY, vol. 59, no. 3, March 1991 (1991-03), pages 1093-1099, XP002022347 the whole document</p> <p>---</p>	1-12
A	<p>DINTILHAC ET AL: "The adc locus, which affects competence for genetic transformation in Streptococcus pneumoniae, encodes an ABC transporter with a putative lipoprotein homologous to a family of streptococcal adhesins" RESEARCH IN MICROBIOLOGY, NL, AMSTERDAM, vol. 148, no. 2, February 1996 (1996-02), pages 119-131-131, XP002115703 page 123, left-hand column, paragraph 2 -page 124, left-hand column, paragraph 1; figure 2 page 124, right-hand column, paragraph 2 -page 125, right-hand column, paragraph 1 page 125, right-hand column, last paragraph -page 126, left-hand column, paragraph 1; figure 4; table II</p> <p>---</p>	1-12
P, X	<p>ROBERT JANULCZYK ET AL.: "Identification and characterization of a Streptococcus pyogenes ABC trnasporter with multiple specificity for metal cations" MOLECULAR MICROBIOLOGY, vol. 34, no. 3, 1999, pages 596-606, XP000901681 summary page 596, right-hand column, paragraph 3 -page 597, right-hand column, paragraph 1 page 599, right-hand column, paragraph 2</p> <p>-----</p>	1,4,6,7, 9

Information on patent family members

PC7 99/04445

Form DOT/19A (2-10) (Indicate fiscal year) / July 1992

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum) N75768A GCW

Box No. I TITLE OF INVENTION

PROTEIN

Box No. II APPLICANT

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

ACTINOVA LIMITED
of 5 Signet Court
Swanns Road
Cambridge
CB5 8LA
United Kingdom

☐ This person is also inventor.

Telephone No.

Facsimile No.

Teleprinter No.

State (that is, country) of nationality:
GB

State (that is, country) of residence:
GB

This person is applicant for the purposes of: ☐ all designated States ☒ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

BJÖRCK, Lars
Magle Stora Kyrkogata 10
223 50 Lund
Sweden

This person is:

☐ applicant only

☒ applicant and inventor

☐ inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:
SE

State (that is, country) of residence:
SE

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ the States indicated in the Supplemental Box

☒ Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:

☒ agent

☐ common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

WOODS, Geoffrey Corlett
J.A. KEMP & CO.,
14 South Square,
Gray's Inn,
London, WC1R 5LX,
United Kingdom.

Telephone No.

+44 171 405 3292

Facsimile No.

+44 171 242 8932

Teleprinter No.

23676

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Continuation of Box No. III FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS	
<i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i>	
<p><small>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</small></p> <p>JANULCZYK, Robert Vildanden W304 227 34 Lund Sweden</p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input checked="" type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality: SE	State (that is, country) of residence: SE
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p><small>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</small></p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality:	State (that is, country) of residence:
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p><small>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</small></p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality:	State (that is, country) of residence:
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p><small>Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</small></p>	<p>This person is:</p> <p><input type="checkbox"/> applicant only</p> <p><input type="checkbox"/> applicant and inventor</p> <p><input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)</p>
State (that is, country) of nationality:	State (that is, country) of residence:
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box</p>	
<p><input type="checkbox"/> Further applicants and/or (further) inventors are indicated on another continuation sheet.</p>	

Box No.V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

Regional Patent

- ☒ **AP ARIPO Patent:** GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SL Sierra Leone, SZ Swaziland, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- ☒ **EA Eurasian Patent:** AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ **EP European Patent:** AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ **OA OAPI Patent:** BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

National Patent (if other kind of protection or treatment desired, specify on dotted line):

- | | | |
|--|--|--|
| <input type="checkbox"/> AE United Arab Emirates | <input type="checkbox"/> LR Liberia | |
| <input checked="" type="checkbox"/> AL Albania | <input checked="" type="checkbox"/> LS Lesotho | |
| <input checked="" type="checkbox"/> AM Armenia | <input checked="" type="checkbox"/> LT Lithuania | |
| <input checked="" type="checkbox"/> AT Austria | <input type="checkbox"/> LU Luxembourg | |
| <input checked="" type="checkbox"/> AU Australia | <input type="checkbox"/> LV Latvia | |
| <input checked="" type="checkbox"/> AZ Azerbaijan | <input checked="" type="checkbox"/> MD Republic of Moldova | |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina | <input checked="" type="checkbox"/> MG Madagascar | |
| <input type="checkbox"/> BB Barbados | <input type="checkbox"/> MK The former Yugoslav Republic of Macedonia | |
| <input checked="" type="checkbox"/> BG Bulgaria | <input type="checkbox"/> MA Morocco | |
| <input checked="" type="checkbox"/> BR Brazil | <input type="checkbox"/> MN Mongolia | |
| <input checked="" type="checkbox"/> BY Belarus | <input type="checkbox"/> MW Malawi | |
| <input checked="" type="checkbox"/> CA Canada | <input checked="" type="checkbox"/> MX Mexico | |
| <input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein | <input type="checkbox"/> NO Norway | |
| <input type="checkbox"/> CN China | <input checked="" type="checkbox"/> NZ New Zealand | |
| <input checked="" type="checkbox"/> CU Cuba | <input type="checkbox"/> PL Poland | |
| <input checked="" type="checkbox"/> CZ Czech Republic | <input checked="" type="checkbox"/> PT Portugal | |
| <input checked="" type="checkbox"/> DE Germany | <input type="checkbox"/> RO Romania | |
| <input checked="" type="checkbox"/> DK Denmark | <input checked="" type="checkbox"/> RU Russian Federation | |
| <input checked="" type="checkbox"/> EE Estonia | <input checked="" type="checkbox"/> SD Sudan | |
| <input checked="" type="checkbox"/> ES Spain | <input type="checkbox"/> SE Sweden | |
| <input type="checkbox"/> FI Finland | <input checked="" type="checkbox"/> SG Singapore | |
| <input type="checkbox"/> GB United Kingdom | <input checked="" type="checkbox"/> SI Slovenia | |
| <input checked="" type="checkbox"/> GD Grenada | <input checked="" type="checkbox"/> SK Slovakia | |
| <input checked="" type="checkbox"/> GE Georgia | <input checked="" type="checkbox"/> SL Sierra Leone | |
| <input checked="" type="checkbox"/> GH Ghana | <input type="checkbox"/> TJ Tajikistan | |
| <input checked="" type="checkbox"/> GM Gambia | <input type="checkbox"/> TM Turkmenistan | |
| <input checked="" type="checkbox"/> HR Croatia | <input type="checkbox"/> TR Turkey | |
| <input type="checkbox"/> HU Hungary | <input type="checkbox"/> TT Trinidad and Tobago | |
| <input checked="" type="checkbox"/> ID Indonesia | <input type="checkbox"/> UA Ukraine | |
| <input checked="" type="checkbox"/> IL Israel | <input checked="" type="checkbox"/> UG Uganda | |
| <input checked="" type="checkbox"/> IN India | <input checked="" type="checkbox"/> US United States of America | |
| <input checked="" type="checkbox"/> IS Iceland | <input type="checkbox"/> TZ Tanzania | |
| <input checked="" type="checkbox"/> JP Japan | <input checked="" type="checkbox"/> UZ Uzbekistan | |
| <input checked="" type="checkbox"/> KE Kenya | <input checked="" type="checkbox"/> VN Viet Nam | |
| <input checked="" type="checkbox"/> KG Kyrgyzstan | <input checked="" type="checkbox"/> YU Yugoslavia | |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | <input checked="" type="checkbox"/> ZA South Africa | |
| <input type="checkbox"/> KR Republic of Korea | <input checked="" type="checkbox"/> ZW Zimbabwe | |
| <input checked="" type="checkbox"/> KZ Kazakhstan | Check-boxes reserved for designating States which have become party to the PCT after issuance of this sheet: | |
| <input type="checkbox"/> LC Saint Lucia | <input checked="" type="checkbox"/> CR Costa Rica | |
| <input checked="" type="checkbox"/> LK Sri Lanka | <input checked="" type="checkbox"/> DM Dominica | |

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)

Supplemental Box *If the Supplemental Box is not used, this sheet should not be included in the request.*

1. If, in any of the Boxes, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No. ..." [indicate the number of the Box] and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:

- (i) if more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
- (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
- (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
- (iv) if, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
- (v) if, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition," or "certificate of addition," or if, in Box No. V, the name of the United States of America is accompanied by an indication "continuation" or "continuation-in-part": in such case, write "Continuation of Box No. V" and the name of each State involved (or OAPI), and after the name of each such State (or OAPI), the number of the parent title or parent application and the date of grant of the parent title or filing of the parent application;
- (vi) if, in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI;
- (vii) if, in Box No. VI, the earlier application is an ARIPO application: in such case, write "Continuation of Box No. VI", specify the number of the item corresponding to that earlier application and indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed.

2. If, with regard to the precautionary designation statement contained in Box No. V, the applicant wishes to exclude any State(s) from the scope of that statement: in such case, write "Designation(s) excluded from precautionary designation statement" and indicate the name or two-letter code of each State so excluded.

3. If the applicant claims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty: in such case, write "Statement concerning non-prejudicial disclosures or exceptions to lack of novelty" and furnish that statement below.

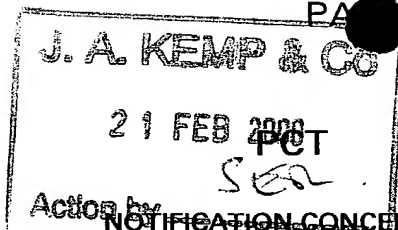
GOLDIN, Douglas Michael; ELLIS-JONES, Patrick George Armine; BARLOW, Roy James; SENIOR, Alan Murray; BENTHAM, Stephen; AYERS, Martyn Lewis Stanley; WOODS, Geoffrey Corlett; CRESSWELL, Thomas Anthony; SEXTON, Jane Helen; NICHOLLS, Michael John; MARSHALL Monica Anne; WEBB, Andrew John; KEEN, Celia Mary; PRICE, Nigel John King; IRVINE, Jonquil Claire; LEEMING, John Gerard; DUCKWORTH, Timothy John; MCCLUSKIE, Gail Wilson; WRIGHT, Simon Mark; CURWEN, Julian Charles Barton; CLEEVE, James Harold Findlay; SMITH, Samuel Leonard; BENSON, John Everett, CAMPBELL Patrick John; MERRYWEATHER, Colin Henry; DUCKETT, Anthony Joseph; BENTHAM, Andrew; and ROQUES, Sarah Elizabeth; SRINIVASAN, Ravi Chandran; FAULKNER, Charlotte Waveney, TYSON, Robin Edward and BURNSIDE Ivan John of: J.A. KEMP & CO., 14 South Square, Gray's Inn, London, WC1R 5LX, United Kingdom.

Box No. VI PRIORITY CLAIM		<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box.		
Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country	regional application: regional Office	international application: receiving Office
item (1) 31.12.98 (31 Dec 1998)	9828880.6	United Kingdom		
item (2)				
item (3)				
<input checked="" type="checkbox"/> The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s): (1)				
<small>* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii)). See Supplemental Box.</small>				
Box No. VII INTERNATIONAL SEARCHING AUTHORITY				
Choice of International Searching Authority (ISA) <small>(if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):</small>		Request to use results of earlier search; reference to that search <small>(if an earlier search has been carried out by or requested from the International Searching Authority):</small>		
ISA /		Date (day/month/year)	Number	Country (or regional Office)
Box No. VIII CHECK LIST; LANGUAGE OF FILING				
This international application contains the following number of sheets: request : 4 description (excluding sequence listing part) : 36 claims : 2 abstract : 1 drawings : 4 sequence listing part of description : 7 Total number of sheets : 54		This international application is accompanied by the item(s) marked below: 1. <input checked="" type="checkbox"/> fee calculation sheet 2. <input type="checkbox"/> separate signed power of attorney 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: 4. <input type="checkbox"/> statement explaining lack of signature 5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s): 6. <input type="checkbox"/> translation of international application into (language): 7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material 8. <input checked="" type="checkbox"/> nucleotide and/or amino acid sequence listing in computer readable form 9. <input checked="" type="checkbox"/> other (specify): 23/77		
Figure of the drawings which should accompany the abstract: 1		Language of filing of the international application: English		
Box No. IX SIGNATURE OF APPLICANT OR AGENT				
<small>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</small>				
WOODS, Geoffrey Corlett				

For receiving Office use only		2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received:
1. Date of actual receipt of the purported international application:		
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:		
4. Date of timely receipt of the required corrections under PCT Article 11(2):		
5. International Searching Authority (if two or more are competent): ISA /		6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid.

For International Bureau use only
Date of receipt of the record copy by the International Bureau:

PATENT COOPERATION TREATY



Action by
NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

WOODS, Geoffrey, Corlett
J.A. Kemp & Co.
14 South Square
Gray's Inn
London WC1R 5EU
ROYAUME-UNI

Date of mailing (day/month/year) 14 February 2000 (14.02.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference N75768A GCW	
International application No. PCT/GB99/04445	
International publication date (day/month/year) Not yet published	
Applicant ACTINOVA LIMITED et al	International filing date (day/month/year) 30 December 1999 (30.12.99) Priority date (day/month/year) 31 December 1998 (31.12.98)

- The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
- An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
31 Dec 1998 (31.12.98)	9828880.6	GB	09 Febr 2000 (09.02.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Carlos Naranjo Telephone No. (41-22) 338.83.38
--	---

PATENT COOPERATION TREATY

PCT

NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

WOODS, Geoffrey, Corlett
J.A. Kemp & Co.
14 South Square
Gray's Inn
London WC1R 5LX
ROYAUME-UNI

Action: *GLUC/SE*

Date of mailing (day/month/year) 13 July 2000 (13.07.00)		IMPORTANT NOTICE	
Applicant's or agent's file reference N75768A GCW			
International application No. PCT/GB99/04445	International filing date (day/month/year) 30 December 1999 (30.12.99)	Priority date (day/month/year) 31 December 1998 (31.12.98)	
Applicant ACTINOVA LIMITED et al			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
AU,CN,JP,KP,KR,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:
AE,AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,CA,CH,CR,CU,CZ,DE,DK,DM,EA,EE,EP,ES,FI,GB,GD,GE,
GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,NO,NZ,
OA,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on
13 July 2000 (13.07.00) under No. WO 00/40729

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a **demand for international preliminary examination** must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the **national phase**, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer J. Zahra Telephone No. (41-22) 338.83.38
--	---

PATENT COOPERATION TREATY

PCT

INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION

(PCT Rule 61.3)

From the INTERNATIONAL BUREAU

To: -

J. A. KEMP & Co

WOODS, Geoffrey, Corlett

J.A. Kemp & Co

14 South Square

Gray's Inn

London WC1R 5LX

ROYAUME-UNI

REC'D 21 AUG 2000

Action by: *Sew/20*

Date of mailing (day/month/year) 11 August 2000 (11.08.00)		IMPORTANT INFORMATION	
Applicant's or agent's file reference N75768A GCW			
International application No. PCT/GB99/04445	International filing date (day/month/year) 30 December 1999 (30.12.99)	Priority date (day/month/year) 31 December 1998 (31.12.98)	
Applicant ACTINOVA LIMITED et al			

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

AP : GH,GM,KE,LS,MW,SD,SL,SZ,TZ,UG,ZW

EP : AT,BE,CH,CY,DE,DK,ES,FI,FR,GB,GR,IE,IT,LU,MC,NL,PT,SE

National : AU,BG,BR,CA,CN,CZ,DE,IL,JP,KP,KR,MN,NO,NZ,PL,RO,RU,SE,SK,US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

EA : AM,AZ,BY,KG,KZ,MD,RU,TJ,TM

OA : BF,BJ,CF,CG,CI,CM,GA,GN,GW,ML,MR,NE,SN,TD,TG

National : AE,AL,AM,AT,AZ,BA,BB,BY,CH,CR,CU,DK,DM,EE,ES,FI,GB,GD,GE,GH,GM,

HR,HU,ID,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MW,MX,PT,SD,SG,

SI,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW

3. The applicant is reminded that he must enter the "national phase" before the expiration of 30 months from the priority date before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed until 31 months from the priority date for all States designated for the purposes of obtaining a European patent.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer: Pascal Piriou
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

The demand must be filed directly with the competent International Preliminary Examining Authority or, if more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ EP

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only

Identification of IPEA		Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		Applicant's or agent's file reference N.75768A
International application No. PCT/GB99/04445	International filing date (day/month/year) 31/12/99 (30 December 1999)	(Earliest) Priority date (day/month/year) 31/12/98 (31 December 1998)
Title of invention PROTEIN		
Box No. II APPLICANT(S)		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) ACTINOVA LIMITED of 5 Signet Court Swanns Road Cambridge CB5 8LA United Kingdom		Telephone No.: Facsimile No.: Teleprinter No.:
State (that is, country) of nationality: GB	State (that is, country) of residence: GB	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) BJORCK, Lars Magle Stora Kyrkogata 10 223 50 Lund Sweden		
State (that is, country) of nationality: SE	State (that is, country) of residence: SE	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) JANULCZYK, Robert Vilanden W304 227 34 Lund Sweden		
State (that is, country) of nationality: SE	State (that is, country) of residence: SE	
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.		

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCEThe following person is ☒ agent ☐ common representativeand ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*WOODS, Geoffrey Corlett
J.A. KEMP & CO.,
14 South Square,
Gray's Inn,
London, WC1R 5LX,
United Kingdom.

Telephone No.:

+44 20 7405 3292

Facsimile No.:

+44 20 7242 8932

Teleprinter No.:

23676

☐ **Address for correspondence:** Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments: ***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filedthe description ☐ as originally filed☐ as amended under Article 34the claims ☐ as originally filed☐ as amended under Article 19 (together with any accompanying statement)☐ as amended under Article 34the drawings ☐ as originally filed☐ as amended under Article 342. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English☒ which is the language in which the international application was filed.☐ which is the language of a translation furnished for the purposes of international search.☐ which is the language of publication of the international application.☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.**Box No. V ELECTION OF STATES**The applicant hereby elects all eligible States *(that is, all States which have been designated and which are bound by Chapter II of the PCT)*

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|----------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | 1 sheets |
| 6. other (<i>specify</i>) | : | sheets |

For International Preliminary
Examining Authority use only

received not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 4. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> separate signed power of attorney | 5. <input type="checkbox"/> nucleotide and or amino acid sequence listing in computer readable form |
| 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 6. <input type="checkbox"/> other (<i>specify</i>): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

WOODS, Geoffrey Corlett

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

☐ The applicant has been informed accordingly.

4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

PCT

CHAPTER II

FEE CALCULATION SHEET

Annex to the Demand for international preliminary examination

International application No. PCT/GB99/04445	For International Preliminary Examining Authority use only	
Applicant's or agent's file reference N.75768A	Date stamp of the IPEA	
Applicant <div style="text-align: center; border: 1px solid black; padding: 5px; margin: 5px 0;"> ACTINOVA LIMITED </div>		
Calculation of prescribed fees		
1. Preliminary examination fee	<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">EUR 1533</div>	<div style="border: 1px solid black; display: inline-block; padding: 2px 5px;">P</div>
2. Handling fee <i>(Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.)</i>	<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">EUR 147</div>	<div style="border: 1px solid black; display: inline-block; padding: 2px 5px;">H</div>
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">EUR 1680</div>	
<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">TOTAL</div>		
Mode of Payment		
<input checked="" type="checkbox"/> authorization to charge deposit account with the IPEA (see below)	<input type="checkbox"/> cash	
<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps	
<input type="checkbox"/> postal money order	<input type="checkbox"/> coupons	
<input type="checkbox"/> bank draft	<input type="checkbox"/> other (specify):	
Deposit Account Authorization <i>(this mode of payment may not be available at all IPEAs)</i>		
The IPEA/ <u>EP</u> <input checked="" type="checkbox"/> is hereby authorized to charge the total fees indicated above to my deposit account.		
<input checked="" type="checkbox"/> <i>(this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit)</i> is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.		
<u>2805.0038</u> Deposit Account Number	<u>18 July 2000</u> Date (day/month/year)	<u>WOODS, Geoffrey Corlett</u> Signature

PATENT COOPERATION TREATY

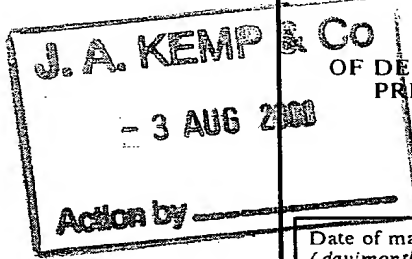
S&S

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

WOODS, Geoffrey C.
J.A. KEMP & CO.
14 South Square
Gray's Inn
London WC1R 5LX
GRANDE BRETAGNE



NOTIFICATION OF RECEIPT OF DEMAND BY COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rules 59.3(e) and 61.1(b), first sentence
and Administrative Instructions, Section 601(a))

Date of mailing
(day/month/year)

01.08.2000

Applicant's or agent's file reference
N75768A GCW

IMPORTANT NOTIFICATION

International application No.

PCT/GB 99/04445

International filing date (day/month/year)

30/12/1999

Priority date (day/month/year)

31/12/1998

Applicant

ACTINOVA LIMITED et al.

1. The applicant is hereby **notified** that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

19/07/2000

2. This date of receipt is:

- ☒ the actual date of receipt of the demand by this Authority (Rule 61.1(b)).
☒ the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).
☐ the date on which this Authority has, in response to the invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☐ **ATTENTION:** That date of receipt is **AFTER** the expiration of 19 months from the priority date. Consequently, the election(s) made in the demand does (do) not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)). Therefore, the acts for entry into the national phase must be performed within 20 months from the priority date (or later in some Offices) (Article 22). For details, see the *PCT Applicant's Guide*, Volume II.

- ☐ (If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on: _____

N.B. The correct date of filing is: 30.12.1999

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/

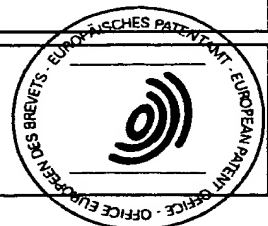


European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Netherlands
Tel.: (+31-70) 340-2040, Tx. 31 651 epo nl
Fax: (+31-70) 340-3016

Authorized officer

REISINGER E C

Tel. (+31-70) 340-2974



PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

WOODS, Geoffrey C.
J.A. KEMP & CO.
14 South Square
Gray's Inn
London WC1R 5LX
GRANDE BRETAGNE

J. A. KEMP & CO

29 MAR 2001

Action by _____

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

Date of mailing
(day/month/year) 27.03.2001

Applicant's or agent's file reference
N75768A GCW

IMPORTANT NOTIFICATION

International application No.
PCT/GB99/04445

International filing date (day/month/year)
30/12/1999

Priority date (day/month/year)
31/12/1998

Applicant
ACTINOVA LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

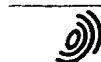
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized officer

Sinanovic, E


Tel. +31 70 340-2672



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference N75768A GCW		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/04445	International filing date (day/month/year) 30/12/1999	Priority date (day/month/year) 31/12/1998	
International Patent Classification (IPC) or national classification and IPC C12N15/31			
Applicant ACTINOVA LIMITED et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application 			
Date of submission of the demand 19/07/2000		Date of completion of this report 27.03.2001	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized officer Montero Lopez, B Telephone No. +31 70 340 3739	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/04445

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-36 as originally filed

Claims, No.:

1-12 as originally filed

Drawings, sheets:

1/4-4/4 as originally filed

Sequence listing part of the description, pages:

1-7, as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☒ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

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EXAMINATION REPORT**

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- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 10.

because:

- ☒ the said international application, or the said claims Nos. 10 relate to the following subject matter which does not require an international preliminary examination (*specify*):
see separate sheet
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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1. Statement

Novelty (N)	Yes: Claims 3
	No: Claims 1, 2, 4-9, 11, 12
Inventive step (IS)	Yes: Claims
	No: Claims 1-9, 11, 12
Industrial applicability (IA)	Yes: Claims 1-9, 11, 12
	No: Claims

2. Citations and explanations **see separate sheet**

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. International Preliminary Examination for claim 10, as it concerns a treatment of the human/animal body by therapy, is not required according to Article 34(4)(a)(I) and Rule 67.1(iv) PCT.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-5854416 (Jacquelyn S. Sampson et al.)

1. Claims 1-12 of the present application relate to a polypeptide of SEQ ID NO:1, fragments and variants thereof, polynucleotide encoding the same and applications thereof.

2. Document D1 discloses a *Streptococcus pneumoniae* 37-kDa surface adhesion protein and nucleotide sequence encoding the same, which shares 78.4% identity with the amino acid sequence of SEQ ID NO:1 (see the abstract and the sequence listing). This protein is therefore considered a variant of SEQ ID NO:1. The feature relating to the variant being "capable of binding an anti-MtsA antibody" does not restrict the scope of the claim and is therefore disregarded, as it makes use of an arbitrary and meaningless designation not known in the state of the art. Claim 1 is therefore not novel and does not comply with the requirements of Article 33(2) PCT.

3. Claims 2, 11 and 12 encompass vaccine compositions comprising a variant of SEQ ID NO:1 capable of generating an immune response to a *Streptococcus*. Document D1 discloses in col. 13, lines 16-24 a vaccine comprising the immunogenic 37kDa polypeptide. Claims 2, 11 and 12 are therefore not novel and do not comply with the

requirements of Article 33(2) PCT.

4. Claim 3 refers to the Streptococcus belonging to group A. This embodiment has not been disclosed in the state of the art and therefore, claim 3 is novel according to Article 33(2) PCT.

4.1. However, the assignation to a particular Streptococcus group is a matter of routine in the art and does not provide any inventive step. Consequently, claim 3 does not involve an inventive step and does not fulfill the requirements of Article 33(3) PCT.

5. Claims 4-8 encompass a polynucleotide hybridising to SEQ ID NO:1 and applications thereof. The polynucleotide disclosed in D1, encoding a Streptococcus adhesion surface protein, shows 72% identity to SEQ ID NO:1 and would therefore hybridise therewith. Document D1 discloses as well the inclusion of this polynucleotide into a vector and host cell and its use for producing a polypeptide for use in vaccination (see col. 8, line 1 - col. 10, line 14). Claims 4-8 are therefore not novel and do not comply with the requirements of Article 33(2) PCT.

6. Document D1 discloses as well antibodies against the 37kDa protein (see col. 12, line 13 - col. 13, line 14), which renders the subject-matter of claim 9 not novel contrary to the requirements of Article 33(2) PCT.

Re Item VII

Certain defects in the international application

1. Figure 1 shows the mtsA, mtsB and mtsC genes of the lral operon (see description of figure 1 in pages 3 and 4). However, in figure 1, the same designation MtsA has been used for the three different genes. The figure appears therefore to be incorrect.

2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document D1 is not mentioned in the description, nor is this document identified therein.

**INTERNATIONAL PRELIMINARY
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Re Item VIII

Certain observations on the international application

1. Claim 1 refers to a variant or fragment of SEQ ID NO:1 capable of binding an anti-MtsA antibody. Given the lack of definition of the subject-matter in claim 1, which is defined in terms of an arbitrary internal designation, it is not possible to distinguish the polypeptide subject of claim 1 from the prior art given in D1. Therefore, the present application does not satisfy the criterion set forth in Article 6 PCT because the subject-matter of claim 1 is not clear.
2. The term "variant" used in claims 1 and 2 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT).
3. Claims 1, 2 and 5 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem (providing a polypeptide capable of binding an anti-MtsA antibody, or capable of generating an immune response against Streptococcus). The technical features necessary for achieving this result should be present in the claims.
4. Claim 11 refers to the polypeptide of claim 2, while claim 2 is directed to a vaccine composition. This renders the scope of claim 11 unclear contrary to Article 6 PCT.